

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 8/2/2017 4:02:29 PM
To: Garnett, Desean [Garnett.Desean@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: RE: Question on IP : 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Desean

Ex. 5 Deliberative Process (DP)

Thanks

Richard

From: Garnett, Desean
Sent: Tuesday, August 01, 2017 4:58 PM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>
Subject: RE: Question on IP : 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Ex. 5 Deliberative Process (DP)

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Reyes, Deldi
Sent: Tuesday, August 01, 2017 4:50 PM

To: Garnett, Desean <Garnett.Desean@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>

Subject: RE: Question on IP : 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Ex. 5 Deliberative Process (DP)

Sent: Tuesday, August 01, 2017 4:44 PM

To: Grow, Richard <Grow.Richard@epa.gov>

Cc: Reyes, Deldi <Reyes.Deldi@epa.gov>

Subject: RE: Question on IP : 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Hey Richard,

The term “informal” is not describing the agreement, but the resolution of the matter.

I pulled this from the Case Resolution Manual, page 22.

“Informal Resolution Process in General After acceptance of a complaint, and at any point during the investigation, ECRCO or the recipient may seek to informally resolve complaints of discrimination. Informal Resolution occurs between ECRCO and the recipient.²⁴ ECRCO will seek the appropriate DCROs’ engagement and assistance in the Informal Resolution process to ensure prompt, effective, and efficient case resolution. See also Section 3.13. The EPA’s nondiscrimination regulation allows ECRCO to pursue informal resolution wherever practicable. 40 C.F.R. 7.120(d)(2). The term “informal resolution” refers to any resolution of complaint allegations prior to the issuance of a finding of compliance or noncompliance. Informal Resolution agreements must be in writing, set forth the specific steps the recipient has agreed to take and any specific monitoring requirements and be signed by the Director of ECRCO or designee and an official with legal authority to bind the recipient.”

Meaning, that “informal” merely relates to the fact that the Recipient has voluntarily agreed to enter into the agreement to resolve the violations at issue. I don’t think informal is describing the actual agreement, rather the resolution.

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Grow, Richard

Sent: Tuesday, August 01, 2017 2:48 PM

To: Garnett, Desean <Garnett.Desean@epa.gov>

Cc: Reyes, Deldi <Reyes.Deldi@epa.gov>

Subject: Question on IP : 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Ex. 5 Deliberative Process (DP)

Thanks

Richard

From: Martinez, Brittany

Sent: Tuesday, August 01, 2017 9:51 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>

Cc: McGhee, Debra <mcghee.debra@epa.gov>

Subject: 44RNO-16-R9 & 45RNO-16-R9_Hawaii Title VI Complaints_Updated IP, CMP, Draft Agenda and Summary for Call with Recipients

Per our last conversation regarding moving forward with the call with recipients, I have updated the related planning documents. It is my understand that this call will be set for some time after the 8/11 briefing concerning ADC's recipient status arguments. In addition, I have reached out to Paul Achitoff (Earthjustice) to confirm whether there are any additional complainants who would be available for interviews. I have asked Paul to contact Lilian & Jeryl if those individuals may be available during my absence.